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April 26, 2004

Jessie Hill Roberson
EM-1
U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

VIA U.S. MAIL and FAX (202) 586-7757

Dear Ms. Roberson:

In the April 24, 2004 *Albuquerque Journal*, you are quoted as saying that the Department of Energy (DOE) is ending its funding of the Environmental Evaluation Group (EEG) because EEG "did not manage their spending and kept coming back for more." Although Southwest Research and Information Center (SRIC) opposes your decision to terminate EEG, SRIC has long been concerned about overspending and underperformance at WIPP.

In light of your decision to terminate EEG for financial reasons, we request that you provide a full, immediate accounting of Fiscal Year 2004 WIPP spending to the public. Such an accounting should include at a minimum:

1. An accounting of the various components of the WIPP budget, including which ones are overspending and underperforming. There appears to be widespread overspending and underperformance, since half way through the current fiscal year WIPP has disposed of 3,783 cubic meters of waste, while DOE's Budget Request to Congress for FY 2005 states that the target disposal amount for FY2004 is 12,952 cubic meters. Thus, half way through the year, WIPP has disposed of less than 30 percent of the amount of waste promised to Congress.
2. WIPP's Central Characterization Project (CCP) also has shipped less than 30 percent of the goal of 458 shipments for the year. So far in 2004, there have been 0 shipments to WIPP from LANL, 0 shipments from Livermore, 2 shipments from Argonne East, 7 shipments from the Nevada Test Site, thus it is clear that CCP is not meeting its goals at those sites. How much has CCP spent at each of those sites so far during FY2004? Has funding for CCP been increased or reduced since October 1, 2003? What actions is DOE taking to improve performance of the CCP, which sites will be given priority for the remainder of FY2004 and what performance measures are they to achieve?
3. An explanation of the funding provided to the trucking contractors in FY2004 and whether their funding has been reduced, since they are bringing many fewer shipments than budgeted.

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4. An explanation of the funding provided to Washington TRU Solutions in FY2004 and whether its funding has been reduced, since it is managing and disposing of much less waste at WIPP than provided in the performance measurements.
5. An explanation of any contractor budget adjustments during FY2004, including whether EEG is the only contractor that has asked for and been denied additional funding.
6. An accounting of the amount of funding being provided for the expenses for the Agency-Initiated Permit Modification at WIPP, including the legal fees. Are those amounts above those included in the budget as of October 1, 2003? Further, is DOE also funding the legal and technical costs of CH2M Hill for its participation in that permit modification process? If so, how much funding is DOE providing?

In addition, if DOE is terminating EEG, it should be submitting to Congress an adjustment for the WIPP FY2005 Budget Request, since that Budget Request assumed that EEG would continue to be funded. When will such a Budget adjustment be submitted and what is the amount of the reduction?

In light of strong public interest in EEG and the WIPP budget, we request your prompt response to this request.

Sincerely,

Don Hancock

cc: Sen. Pete Domenici
Sen. Jeff Bingaman
R. Paul Detwiler, CBFO Acting Manager